

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,

Defendant.

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Civil Case No. 1:14-cv-898

JUDGE WILLIAM O. BERTELSMAN

MAGISTRATE JUDGE KAREN L.
LITKOVITZ

CONSENT JUDGMENT AND ORDER

Plaintiff, Thomas E. Perez, Secretary of Labor, United States Department of Labor (the “Secretary”), filed a complaint against the United States Postal Service (“USPS”) alleging that USPS terminated the employment of Abigail Warrell-King (“Warrell-King”) because she exercised rights protected by the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651, et seq. (the “Act”) and that USPS thereby violated Section 11(c) of the Act. USPS, without admitting the allegations in the Secretary’s Complaint, and the Secretary hereby stipulate and agree as follows:

1. In full settlement of the Secretary's claim, USPS shall, within sixty calendar days of entry of this Consent Judgment and Order, pay Warrell-King the total (gross) amount of \$5,637.43 in back pay ("Settlement Amount"). The payment is subject to tax, and when it is issued, all usual and customary withholdings and deductions, such as income tax, will be made. The payment, minus withholdings and deductions, will be issued via a check made payable to Warrell-King. USPS shall send the check to Warrell-King, at 690 Morris Road, Unit 4, Kent, Ohio 44240. A copy of the

check shall also be sent to: U.S. Department of Labor, Office of the Solicitor, 1240 E. 9th St., Suite 881, Cleveland, OH 44199, Attn: Hema Steele.

2. If USPS fails to issue the settlement check as described above within sixty days from the date of entry of this Consent Judgment and Order, the Settlement Amount shall be immediately due and owing and shall be subject to the assessment of such interest and costs as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134) published by the Secretary of the Treasury in the Federal Register.

3. USPS agrees to immediately expunge Warrell-King's official personnel file of all references to this action and to all disciplinary actions, including termination, which preceded the filing of the complaint in this action, and will issue a new PS Form 50 indicating that Warrell-King had resigned from her position.

4. Warrell-King agrees that she will not, in the future, seek employment of any kind, in any position (whether career or non-career, temporary, permanent, or as a contractor) at any USPS facility located in Sharonville, Ohio.

5. USPS shall post the "Notice To Employees" (attached as Exhibit 1) in a place where notices to employees are customarily posted at the Cincinnati Network Distribution Center, 3055 Crescentville Road, Cincinnati, Ohio 45235, for a period of sixty (60) days.

6. Each party shall bear its own costs and expenses, including attorneys' fees, arising in connection with any stage of the above-referenced proceeding including but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

7. The district court shall retain jurisdiction over this case for purposes of enforcing this Consent Judgment and Order.

JUDGE WILLIAM O. BERTELSMAN
United States District Court Judge

Dated: 9/7/15

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OF COUNSEL:

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CHRISTINE Z. HERI
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BENJAMIN T. CHINNI
Associate Regional Solicitor



ABIGAIL WARRELL-KING
690 Morris Road, Unit 4
Kent, Ohio 44240

7. The district court shall retain jurisdiction over this case for purposes of enforcing this Consent Judgment and Order.

William O. Bertelsman

JUDGE WILLIAM O. BERTELSMAN
United States District Court Judge

Dated: Sept 29, 2015

/s/ Lori Markle (via e-mail consent)
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/s/ Hema Steele
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